

131017Z Jun 05

ACTION EAP-00

INFO	LOG-00	AID-00	CEA-01	CIAE-00	CTME-00	INL-00	DODE-00
	ITCE-00	DATE-00	EB-00	EXME-00	E-00	FAAE-00	FBIE-00
	UTED-00	VC-00	FRB-00	TEDE-00	INR-00	L-00	VCE-00
	MOFM-00	MOF-00	AC-00	NSAE-00	NSCE-00	OES-00	OMB-00
	NIMA-00	ACE-00	SP-00	SSO-00	SS-00	STR-00	TRSE-00
	FMP-00	BBG-00	IIP-00	DRL-00	G-00	NFAT-00	SAS-00
	/001W						

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FM AMEMBASSY HANOI  
TO SECSTATE WASHDC 8020  
INFO AMCONSUL HO CHI MINH CITY  
USDOC WASHDC

UNCLAS HANOI 001404

SIPDIS

DEPARTMENT FOR EAP/BCLTV ELLEN DUNLAP  
DEPARTMENT PASS USTR FOR ELENA BRYAN  
USDOC FOR 4430/MAC/ASIA/OPB/VLC/HPPHO

E.O. 12958: N/A  
TAGS: ECON ETRD VM  
SUBJECT: VIETNAM: DIP NOTE FROM THE MINISTRY OF PLANNING  
AND INVESTMENT

**¶1.** (U) On June 8, Post received a dip note from the Ministry of Planning and Investment Vice Minister Nguyen Bich Dat of the Socialist Republic of Vietnam (SRV). The dip note relates to the implementation of the U.S. - Vietnam Bilateral Trade Agreement (BTA). It was sent in preparation for the BTA Joint Committee Meeting scheduled for June 17 in Washington DC. An unofficial translation of the dipnote follows:

**¶2.** (U) Begin note:

Ministry of Planning and Investment

No 3831/BKH-PC  
Hanoi 8 June 2005

The Ministry of Planning and Investment (MPI) of the Socialist Republic of Vietnam (SRV) presents its compliment to the Embassy of the United States of America in Vietnam and has the honor to inform the following contents related to the implementation of the Trade Agreement between the SRV and the United States (hereinafter referred to as "the Agreement"):

(1) Vietnam has removed the mandatory requirement for exporting at least 80 percent for industrial products specified in the list attached to Decision 718/BKH-QD dated 7 December 2001 of the Minister of Planning and Investment.

(2) Taking into account the provisions of Chapter IV on Development of Investment Relations and Annex H of the Agreement, Vietnam has reflected the following commitments in the draft common Investment Law and the unified Enterprise Law, which are expected to be adopted in late 2005:

- Remove the requirement of minimum contribution of 30 percent of the legal capital for U.S. investors in a joint venture, and the requirement of minimum legal capital of 30 percent of the investment capital of a U.S.-owned enterprise (Annex H, Point 4.1.b.(i), (ii));

- Allow U.S. investors to establish joint stock companies with foreign investment capital (Annex H, Point 4.1.b.(iv));

- Remove the requirement that the General Director or First Deputy General Director of joint venture enterprises must be a Vietnamese citizen (Annex H, Point 4.2.a);

- Remove the requirement to apply the principle of consensus to a number of the most important matters relating to the organization and operation of a joint venture enterprise (Annex H, Point 4.2.b);

While the above-mentioned laws have not taken effect, Vietnam shall implement its commitments in accordance with specific requirements of U.S. investors.

(3) Following the principle presented in item 2, Vietnam guarantees that, for projects invested in the service sector, the licensing shall be implemented exactly according to the schedule and conditions specified in Annex G and

Annex H of the Agreement.

The Ministry of Planning and Investment avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its highest consideration.

For the Minister of Planning and Investment  
Vice Minister

(signed)

Nguyen Bich Dat

End note.

MARINE

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